



Testimony of

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House Transportation and Infrastructure Committee**

**Hearing on
Amtrak Now and Into the Future**

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My name is Bob Guy and I am the Illinois State Legislative Director for the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART TD). SMART TD is an organization representing approximately 80,000 transportation workers most of whom are employed in freight and passenger rail operating crafts.

I want to thank Chairman Lipinski and Ranking Member Crawford for holding this timely and vital hearing, and for inviting me to join this panel.

As Congress undertakes reauthorization of the FAST Act, it is important to note that in 2015, and for the first time in legislative history, intercity passenger rail and Amtrak reauthorization language were included as part of this comprehensive five-year surface transportation reauthorization. For that we say thank you. In doing so, Congress has laid the groundwork for the development of a truly multi-modal transportation system. Congress should build on that momentum by increasing Amtrak funding levels which allow for current operations to flourish and to be able to plan for future growth throughout the entire network.

There's no better way to accomplish those goals than having predictable, dedicated funding that will help preserve and grow the Amtrak authorization provisions in Title XI of the FAST Act within reauthorization. As with all modes of transportation, long term, robust, stable federal funding for Amtrak service and development is crucial to its success. We ask that Congress reauthorize and continue strong funding for Amtrak and the three rail grants created in the FAST Act. These grants, administered by the Federal Railroad Administration (FRA), would also greatly benefit state corridor service that has seen substantial ridership and revenue growth over the last decade. The grants would also solidify Amtrak partnerships with states by preserving the reliable federal funding that is needed to expand and improve service along these corridors. Along with strong federal funding, Congress should also identify possible revenue streams solely for the use by Amtrak and Intercity Passenger Rail projects that benefit state supported service and the national network.

State supported corridor service should also supplement, not replace, Amtrak's national network. Far too many rural communities would lose vital transportation service if long distance service was reduced and/or eliminated. In the Midwest alone, where I'm from, we've seen modest ridership growth on the eight long-distance routes that originate in the nation's largest rail hub, Chicago. We have 80 station stops in the Midwest, with many of them in rural communities not served by other reliable forms of transportation. The long-distance service must be protected.

As railroad workers, we want a strong rail industry, both on freight and passenger rail. Our members, and rail labor in general, provide vital work that allows our economy to thrive and people to get to where they need to be in an environmentally friendly and safe fashion. Reauthorization must continue to ensure that strong worker protections are in place for those who perform core traditional railroad work. Congress must ensure worker protections provided under rail-specific statutes like the Railway Labor Act, Railroad Retirement Act and the Railroad Unemployment Insurance Act remain intact. Rail workers are stakeholders in the industry, and these protections allow us to partner with Amtrak and states to help improve and expand service across the country.

These worker protections are most important when considering risky privatization agendas that some might have. Permitting private companies to seize certain routes or segments of the Amtrak system would give investors the perceived authority to extract profits from assets paid for over many decades by American taxpayers and rail passengers. Freight railroads, who are masters at generating revenue, couldn't make passenger rail profitable as it was crippling its freight network, which is why Congress created Amtrak some 40 years ago. Amtrak was established to save passenger rail service in America. Congress should allow Amtrak to be America's railroad and support their ability to maintain a qualified workforce and meet customer's demands, now and well into the future.

We also can't discuss reauthorization without talking about safety. Preserving and increasing the Amtrak authorization provisions in Title XI of the FAST Act within reauthorization would allow continued elevation of safety levels across the Amtrak system. Along with new locomotives and passenger coaches, it will drive another ridership surge as younger professionals are driving less and seeking more environmentally and electronic-device friendly transportation options.

Other points of priority for Amtrak reauthorization should be to allow Amtrak a private right of action to address a host railroad's handling of statutorily protected preference for passenger rail. Amtrak needs to have more options when dealing with delays caused solely by a host railroad.

Additionally, for many years Amtrak has been forced to pay millions of dollars resulting from accidents occurring on other railroads, even though Amtrak was not negligent. When other railroads are responsible, those carriers should pay the damages, not Amtrak. This has added to the necessity for Congress to appropriate funds to keep Amtrak operating. Therefore, we offer the following amendment for your consideration:

"Notwithstanding any other statutory, common law, or public policy or agreement, the National Railroad Passenger Corporation shall not be liable for damages or liability, in a claim arising out of an accident or incident, unless the said Corporation is negligent in causing the accident or incident."

Congress should also strongly consider adding a labor representative to the Amtrak Board of Directors. Railroad employees have a wealth of expertise on the needs for Amtrak. Having input from the rail labor stakeholders also would help Amtrak avoid making decisions that could negatively impact service or customer's needs.

Reauthorization should also include a path forward to legislatively address the disturbing and upward trend of assaults on passenger and commuter rail workers. Currently, our members are not offered any type of standard de-escalation or self-defense training by the carriers, nor do they receive any mandated counseling or psychological assistance post incident. It is unconscionable to fathom that an employee be expected to live with the consequences of an attack, much less be required to finish their assigned trip. However, compounding this issue even further is the fact that an employee is often unable to report the assault until after the crew reaches its final destination, which can be hundreds of miles away. Legislation is needed to establish federal

jurisdiction for passenger and commuter rail operations, as assaulted employees are not always able to seek help or file a report within the same jurisdiction as the incident occurred. All too often, assaulted employees find themselves under the jurisdiction of a local government agency that unfortunately does not take assaults quite as seriously or is uncertain as how to best progress the complaint. Therefore, having a federal statute would not only provide much needed consistency and transparency for all stakeholders, but it would also provide an unconvoluted process. I'm particularly sensitive on this topic, as one of my own Illinois members was shot while he was performing duties during a station stop in 2017 in Naperville, IL. I'm happy to report that he has physically recovered the best that he could but would never wish for any of his fellow rail workers to experience what he did that day.

In closing, Congress, when considering Amtrak reauthorization, must also take a hard look at the effects that longer freight trains and so-called Precision Scheduled Railroading (PSR) are having on passenger rail on-time performance (OTP). A recent Government Accountability Office Report (GAO) found that freight trains are 25% longer and a by-product of PSR. Poor OTP costs Amtrak, and state supported service, ridership which in turn costs revenue. We have a corridor in Illinois where OTP performance sits below 30%, that's simply unacceptable, especially considering that Amtrak shoots for an 80% OTP across the board. Public dollars, both federal and state, are invested into private host railroads infrastructure for the purpose of benefitting passenger rail, not the other way around. Congress needs to hold the host railroads responsible for their handling of passenger rail, because the protection of public funds warrants it.

I once again thank you for the opportunity to testify before your Committee.